

**Congress of the United States**  
**Washington, DC 20515**

Received & Inspected  
OCT 07 2016  
FCC Mail Room

October 3, 2016

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The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th St SW  
Washington, DC 20554-0004

Dear Chairman Wheeler:

Thank you for your continuing efforts to improve broadband access for all Americans and to promote competitive broadband markets. We are writing to share our concerns about the FCC's May 2 Further Notice of Proposed Rulemaking (FNPRM) on Business Data Services (BDS). Millions of consumers depend daily on BDS when they use their smartphone, visit a major retailer, withdraw cash from an ATM machine, or start their workday online. It is an essential service for all communities that rely on a broadband connection to support their business and stay connected. Moreover, the impact on investment to broadband and increased consumer access to technological advancement, including telemedicine and educational opportunities, speak to the need for the Commission to further promote infrastructure investment and not impose obstacles that stifle broadband deployment and adoption in the communities we represent.

As the Commission completes its rulemaking on business data services, we hope the new rules will encourage economic development, more jobs, and additional opportunities in the communities we represent, including for small businesses and minority-owned contractors who often do business with BDS providers. A successful policy would encourage multiple BDS providers to compete with each other through real investment in their networks, bringing new services to places they had not previously reached and increasing high-speed data capacity to the businesses that need it for continued expansion.

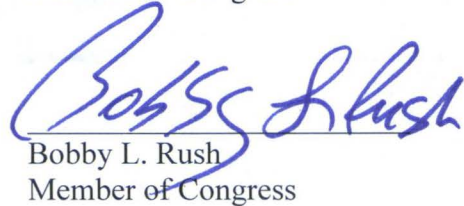
One key to accomplishing this is using all available industry data to recognize and support competition where it has developed, especially as additional providers have entered the market in recent years. And, in the markets where competition has not yet developed, the regulations must be based on the real cost to provide service, taking into account the challenges of reaching rural markets or other places that are often the last to benefit from such investment.

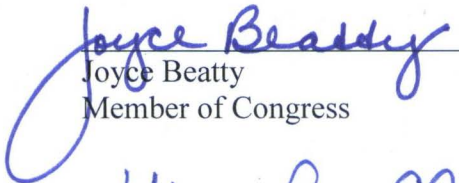



If these steps are pursued methodically, we see this as the best and most appropriate path to completing a BDS proceeding that will balance competing interest for the benefit of economic development, job growth, technological innovation, and expanded consumer broadband adoption in our respective states.

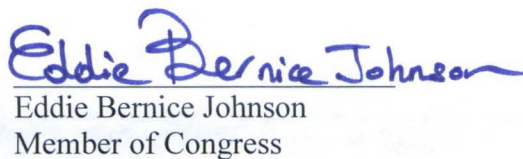
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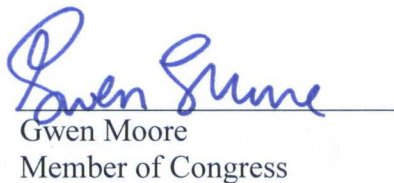
  
G. K. Butterfield  
Member of Congress

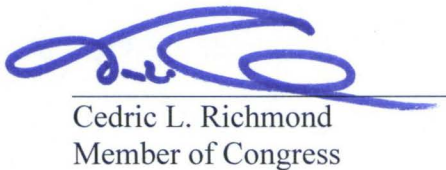
  
Bobby L. Rush  
Member of Congress

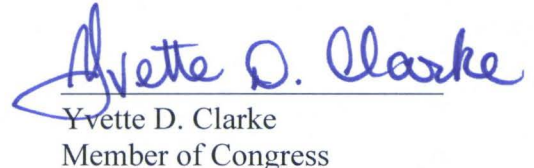
  
Joyce Beatty  
Member of Congress

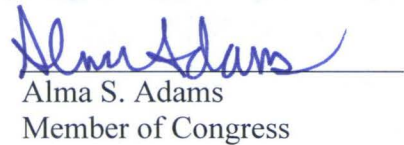
  
Wm. Lacy Clay  
Member of Congress

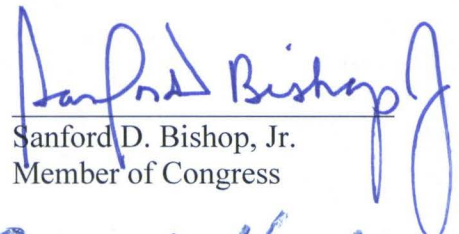
  
Eddie Bernice Johnson  
Member of Congress

  
Gwen Moore  
Member of Congress

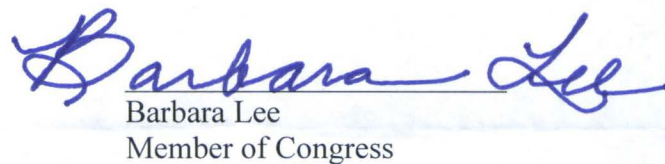
  
Cedric L. Richmond  
Member of Congress

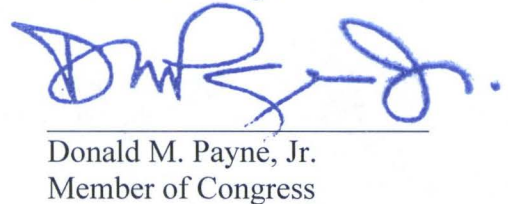
  
Yvette D. Clarke  
Member of Congress

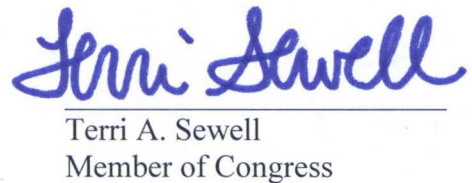
  
Alma S. Adams  
Member of Congress

  
Sanford D. Bishop, Jr.  
Member of Congress

  
Alcee L. Hastings  
Member of Congress

  
Barbara Lee  
Member of Congress

  
Donald M. Payne, Jr.  
Member of Congress

  
Terri A. Sewell  
Member of Congress



Bennie G. Thompson  
Member of Congress



Frederica S. Wilson  
Member of Congress

Cc:

The Honorable Mignon Clyburn,  
Commissioner, Federal Communications Commission

The Honorable Michael O'Rielly,  
Commissioner, Federal Communications Commission

The Honorable Ajit Pai,  
Commissioner, Federal Communications Commission

The Honorable Jessica Rosenworcel,  
Commissioner, Federal Communications Commission



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 17, 2016

The Honorable Alma Adams  
U.S. House of Representatives  
222 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Adams:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

Business data services (BDS), historically known as special access services, are critically important in our connected economy and society. Offices, retailers, banks, manufacturers, schools, hospitals, and universities use these dedicated network connections to move large amounts of data. As you note, consumers use them indirectly every time they withdraw cash from an ATM or swipe their credit card at a retail store. And mobile networks depend heavily on the use of BDS for the backhaul of mobile traffic. My goal is to maximize the benefits of BDS for U.S. consumers and businesses, which includes maintaining incentives to invest—both by BDS providers and by their customers.

Earlier this year we sought broad public comment on reforming and modernizing the existing, fragmented regulatory BDS structure with a new framework. Recently, I circulated to my fellow Commissioners proposed rules to reform the regulatory regime for BDS to promote fairness, competition, and investment in this important marketplace. The circulated Order provides a new framework that strikes a balance between targeted regulation for legacy services, where evidence of market power is strongest, and lighter-touch regulation for packet-based services, where, as you note in your letter, there has been new entry and competition may be emerging.

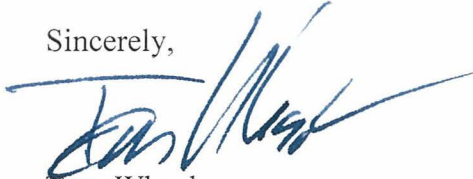
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Page 2—The Honorable Alma Adams

I appreciate your interest in this matter. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review. Please let me know if I can be of any further assistance.

Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 17, 2016

The Honorable Joyce Beatty  
U.S. House of Representatives  
133 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Beatty:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

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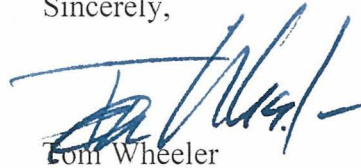
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 17, 2016

The Honorable Sanford D. Bishop  
U.S. House of Representatives  
2407 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Bishop:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

Business data services (BDS), historically known as special access services, are critically important in our connected economy and society. Offices, retailers, banks, manufacturers, schools, hospitals, and universities use these dedicated network connections to move large amounts of data. As you note, consumers use them indirectly every time they withdraw cash from an ATM or swipe their credit card at a retail store. And mobile networks depend heavily on the use of BDS for the backhaul of mobile traffic. My goal is to maximize the benefits of BDS for U.S. consumers and businesses, which includes maintaining incentives to invest—both by BDS providers and by their customers.

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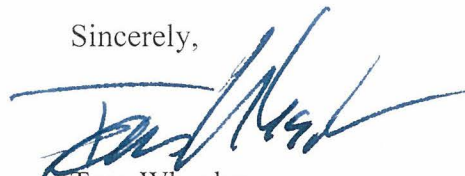
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 17, 2016

The Honorable G.K. Butterfield  
U.S. House of Representatives  
2305 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Butterfield:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

Business data services (BDS), historically known as special access services, are critically important in our connected economy and society. Offices, retailers, banks, manufacturers, schools, hospitals, and universities use these dedicated network connections to move large amounts of data. As you note, consumers use them indirectly every time they withdraw cash from an ATM or swipe their credit card at a retail store. And mobile networks depend heavily on the use of BDS for the backhaul of mobile traffic. My goal is to maximize the benefits of BDS for U.S. consumers and businesses, which includes maintaining incentives to invest—both by BDS providers and by their customers.

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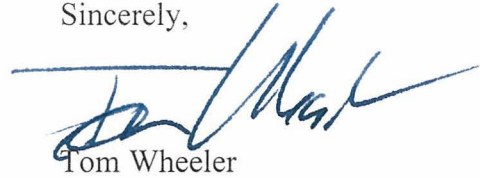
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 17, 2016

The Honorable Yvette D. Clarke  
U.S. House of Representatives  
2351 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Clarke:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

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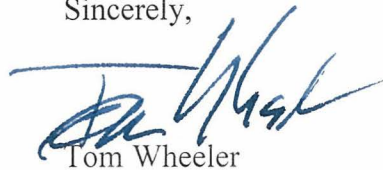
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 17, 2016

The Honorable William Lacy Clay  
U.S. House of Representatives  
2428 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Clay:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

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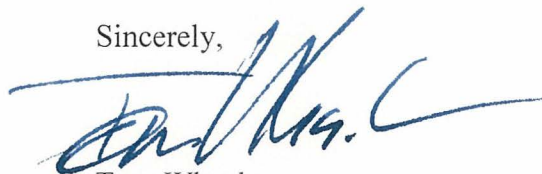
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Page 2—The Honorable William Lacy Clay

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Tom Wheeler





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 17, 2016

OFFICE OF  
THE CHAIRMAN

The Honorable Alcee L. Hastings  
U.S. House of Representatives  
2353 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Hastings:

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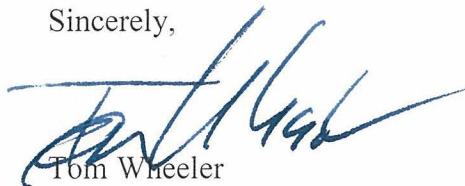
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Page 2—The Honorable Alcee L. Hastings

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 17, 2016

The Honorable Eddie Bernice Johnson  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, D.C. 20515

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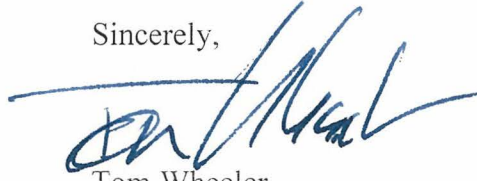
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2267 Rayburn House Office Building  
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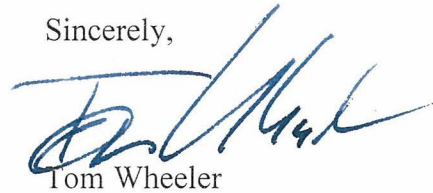
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Page 2—The Honorable Barbara Lee

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Tom Wheeler





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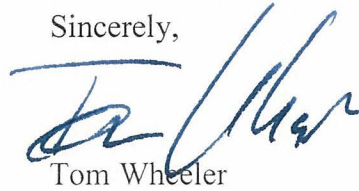
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November 17, 2016

The Honorable Donald M. Payne  
U.S. House of Representatives  
103 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Payne:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

Business data services (BDS), historically known as special access services, are critically important in our connected economy and society. Offices, retailers, banks, manufacturers, schools, hospitals, and universities use these dedicated network connections to move large amounts of data. As you note, consumers use them indirectly every time they withdraw cash from an ATM or swipe their credit card at a retail store. And mobile networks depend heavily on the use of BDS for the backhaul of mobile traffic. My goal is to maximize the benefits of BDS for U.S. consumers and businesses, which includes maintaining incentives to invest—both by BDS providers and by their customers.

Earlier this year we sought broad public comment on reforming and modernizing the existing, fragmented regulatory BDS structure with a new framework. Recently, I circulated to my fellow Commissioners proposed rules to reform the regulatory regime for BDS to promote fairness, competition, and investment in this important marketplace. The circulated Order provides a new framework that strikes a balance between targeted regulation for legacy services, where evidence of market power is strongest, and lighter-touch regulation for packet-based services, where, as you note in your letter, there has been new entry and competition may be emerging.

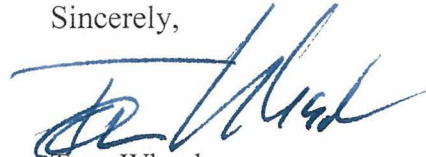
I share your interest in ensuring that the Commission's final rules in this proceeding are based on accurate dataset. While some parties have expressed concern about potential shortcomings in the data collected, this collection represents the most robust dataset available to date on the suppliers and purchasers in the BDS industry. The proposed Order is grounded in the comprehensive record of this proceeding, including careful review of the sophisticated economic analyses presented by multiple parties as well as other record evidence, including developments since the 2013 data collection.



Page 2—The Honorable Donald M. Payne

I appreciate your interest in this matter. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review. Please let me know if I can be of any further assistance.

Sincerely,

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 17, 2016

The Honorable Cedric L. Richmond  
U.S. House of Representatives  
240 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Richmond:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

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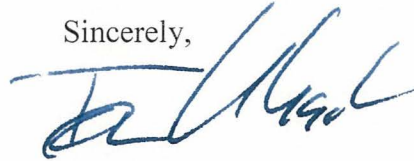
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Page 2—The Honorable Cedric L. Richmond

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 17, 2016

The Honorable Bobby L. Rush  
U.S. House of Representatives  
2188 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Rush:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

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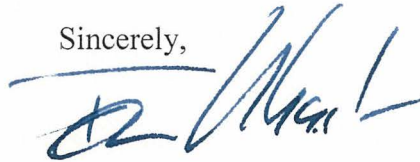
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 17, 2016

The Honorable Terri A. Sewell  
U.S. House of Representatives  
1133 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Sewell:

Thank you for your letter regarding the Commission's business data services rulemaking proceeding.

Business data services (BDS), historically known as special access services, are critically important in our connected economy and society. Offices, retailers, banks, manufacturers, schools, hospitals, and universities use these dedicated network connections to move large amounts of data. As you note, consumers use them indirectly every time they withdraw cash from an ATM or swipe their credit card at a retail store. And mobile networks depend heavily on the use of BDS for the backhaul of mobile traffic. My goal is to maximize the benefits of BDS for U.S. consumers and businesses, which includes maintaining incentives to invest—both by BDS providers and by their customers.

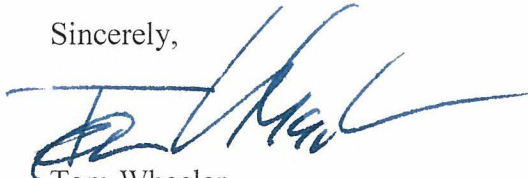
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Page 2—The Honorable Terri A. Sewell

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

November 17, 2016

The Honorable Bennie Thompson  
U.S. House of Representatives  
2466 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Thompson:

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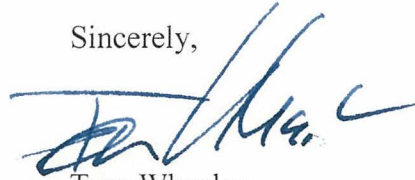
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Page 2—The Honorable Bennie Thompson

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 17, 2016

The Honorable Frederica S. Wilson  
U.S. House of Representatives  
208 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Wilson:

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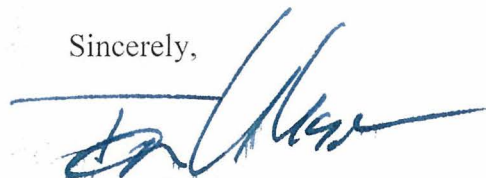
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Tom Wheeler